

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

- Species 1: Figures 1-3
- Species 2: Figure 5

2. The species are independent or distinct as depicted in the representative figures. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, or a single grouping of patentably indistinct species, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims are generic.

There is a search and/or examination burden for the patentably distinct species as set forth above because at least the following reason(s) apply:

The species have mechanically different structures as disclosed above (For example, Species 1 is drawn to a material guide having pressing member attached to a carrying member, whereas, Species 2 is drawn to a material guides having a pressing member separate from a carrying member).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or a grouping of patentably indistinct species to be examined even though the requirement may be traversed (37 CFR 1.143) and

(ii) identification of the claims encompassing the elected species or grouping of patentably indistinct species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species or grouping of patentably indistinct species.

Should applicant traverse on the ground that the species, or groupings of patentably indistinct species from which election is required, are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing them to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

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3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. During a telephone conversation with John Romary on 29 August 2011 a provisional election was made without traverse to prosecute the invention of Species 2, claims 7, 8, 13, 14, and 17. Affirmation of this election must be made by applicant in replying to this Office action. Claims 11, 12, 15, 20, and 21 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Claims 1-6, 9, 10, 16, 18, and 19 have been cancelled.

Allowable Subject Matter

5. The indicated allowability of claims 12, 15, 20, and 21 is withdrawn in view of the newly discovered reference(s) to JP 3-26406.

Claim Rejections - 35 USC § 112

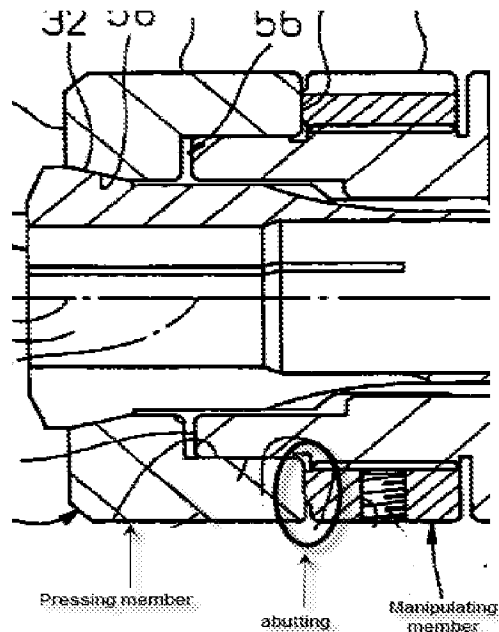
6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "said manipulating member being separated from said pressing member" is rendered as being indefinite. It is unclear as to how the

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manipulating member is separate from the pressing member when the members are clearly in contact (Fig. 5).



Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 7, 8, 13, 14, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 3-26406 to Tamada et al.

In re claim 7, Tamada teaches a guide bush (32) having a material introducing end (Fig. 1) and a material lead out end (Fig. 1), as axially opposite ends, and including a hollow tubular material support section (Fig. 1) elastically displaceable in a radial direction about a guiding axis (Fig. 1), an adjusting mechanism (Fig. 1) for adjusting a

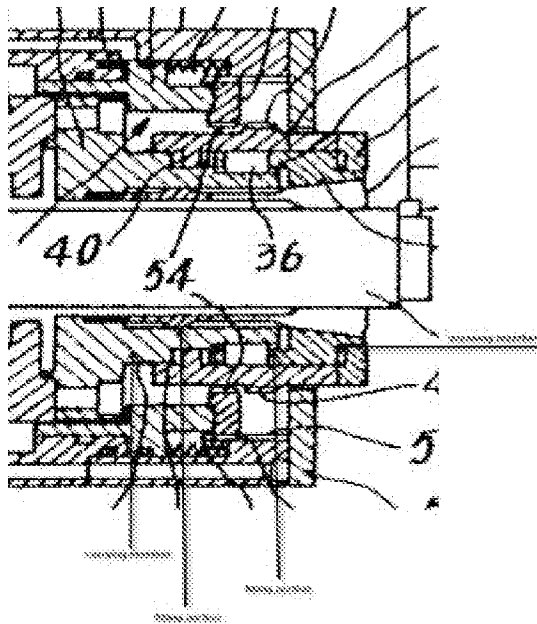
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radial dimension of a material support section on a guide bush, an adjusting mechanism comprising, a carrying member (31) carrying a guide bush (32) and having a front face disposed around a material lead out-end of a guide bush (Fig. 1), a pressing member (35) disposed near a front face of a carrying member and moveable relative to a carrying member (Abstract) and able to make a relative linear motion along a guiding axis relative to a guide bush (Fig. 1), the pressing member causing an elastic displacement in a radial direction on a material support section by a relative linear motion (Abstract), a feed screw (38, 39) causing a relative linear motion between a pressing member and a guide bush by a mutual screwing motion of threads (Abstract), the adjusting mechanism further comprises a manipulating member (34) disposed near said front face of said carrying member (Fig. 1) and mounted on said carrying member adjacent to said pressing member (Fig. 1), said manipulating member (34) being separated from said pressing member (35) and said manipulating member including a manipulation section (Fig. 1) for manipulating said feed screw structure to cause said screwing motion, wherein said feed screw structure (38, 39) is provided between said carrying member (31) and manipulating member (34).

In re claim 8, a guide bush (32) is secured relative to a carrying member (31) in a direction along a guiding axis (Fig. 1).

In re claim 13, the adjusting mechanism further comprises an anchoring member (40) disposed near the front face of the carrying member (31) for inhibiting the screwing motion of a feed screw structure.

In re claim 14, a fitting portion (Fig. 1, see above) is provided between a carrying member (1) and a pressing member (20) in a coaxial arrangement relative to each other (Fig. 1) is provided between a carrying member and a pressing member (Fig. 1); and a fitting portion (Fig. 1, see below) for holding a carrying member and a guide bush (Fig. 1) in a coaxial arrangement relative to each other is provided between a carrying member and a guide bush (Fig. 1).



In re claim 17, the material guide device (Fig. 1) is installed in a proximity to a working location of machining of an objective material (Fig. 1). The material guide device positions the workpiece in a desired location to undergo the intended cutting process.

Response to Arguments

10. Applicant's arguments with respect to claims 7, 8, 14, 15, and 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER SWINNEY whose telephone number is (571)270-5843. The examiner can normally be reached on Monday-Friday, 8:00 am-5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JS/

/Kenneth E Peterson/
Primary Examiner, Art Unit 3724